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# Fax

<b>To:</b>	MS Express Abandonment	<b>From:</b>	Leonard R. Svensson
<b>Fax:</b>	(703) 305-8568	<b>Pages:</b>	3 including cover sheet
<b>Phone:</b>		<b>Date:</b>	July 14, 2004
<b>Your Ref.:</b>	10/772,176	<b>Our Ref.:</b>	1718-0213P
<b>Re:</b>	Petition Under 37 CFR § 1.138 to Expressly Abandon and W/Draw Application from Publication	<b>CC:</b>	

☐ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

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• **Comments:**

MS EXPRESS ABANDONMENT  
PATENT  
1718-0213P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Johan G HARMENBERG et al. Conf.: 4460  
Appl. No.: 10/772,176 Group: 1614  
Filed: February 3, 2004 Examiner: Frederick KRASS  
For: PHARMACEUTICAL COMBINATION

PETITION UNDER 37 CFR § 1.138(c)  
TO EXPRESSLY ABANDON AND  
WITHDRAW APPLICATION FROM PUBLICATION

MS EXPRESS ABANDONMENT  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

OK FOR ABANDONMENT July 14, 2004

JUL 14 2004

Sir:

PG PUB DIVISION  
INITIALS BDD

Pursuant to the provisions of 37 C.F.R. § 1.138, Applicant(s) hereby expressly abandons this application, but not the invention recited therein, without prejudice, and requests that the application be withdrawn from publication.

This action is taken without prejudice to the right of the Applicant to seek patent protection for the same or similar claims in other co-pending applications.

According to 37 CFR § 1.138(c), "(a)n applicant seeking to abandon an application to avoid publication of the application (see § 1.211(a)(1)) must submit a declaration of express abandonment by way of a petition under this section including the fee set forth in § 1.17(h) in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process. Applicant should expect that the petition will

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Appl. No. 10/772,176

not be granted and the application will be published in regular course unless such declaration of express abandonment and petition are received by the appropriate officials more than four weeks prior to the projected date of publication."

In this regard, it is respectfully submitted that the present application has not yet been assigned a projected publication date. Accordingly, it is believed that this request be accepted as timely filed.

Please charge the amount of \$130.00, as payment of the fee under § 1.17(h), to Deposit Account No. 02-2448.

It is respectfully requested that confirmation that this application is abandoned and will not be published be forwarded to the undersigned.

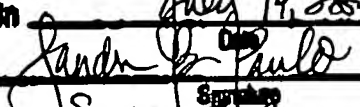
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Leonard R. Svensson, #30,330

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On July 14, 2004  
  
SANDRA B. PAULO  
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1718-0213P

(Rev. 06/11/2004)